6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2012-0366; FRL-9912-09-Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Particulate Matter Limitations for Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Indiana State Implementation Plan (SIP) under the Clean Air Act (CAA). The particulate matter (PM) rules that were submitted consist of emission control requirements for coating operations along with exemptions from certain coating operations that produce minimal PM emissions. EPA is also taking no action on one section submitted by Indiana, as it pertains to a definition in an unapproved portion of Indiana's Title V regulations. Indiana submitted this request to approve PM rules on April 27, 2012. The proposed rule published in the Federal Register on April 16, 2014.

DATES: This final rule is effective on [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2012-0366. All documents in the docket are listed on the www.regulations.gov web site. Although

listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Matt Rau, Environmental Engineer, at (312) 886-6524 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6524, rau.matthew@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What actions did EPA propose to take?
- II. What comments did we receive on the proposed SIP revision?

- III. What action is EPA taking?
- IV. Statutory and Executive Order Reviews.

I. What actions did EPA propose to take?

On April 16, 2014 (79 FR 21421), EPA proposed to approve revisions to PM rules submitted on April 27, 2012, into the Indiana SIP. These revisions add PM control requirements for coating operations. The other primary revisions provide PM limit exemptions for coating operations that produce minimal PM emissions. The remaining modifications are clerical revisions that increase the lucidity of the rules without altering the PM limits.

Article 6 of 326 IAC contains Indiana's PM rules. Article 6.5 of 326 IAC contains statewide PM emission limitations except for Lake County and Article 6.8 of 326 IAC provides the PM emission limits for Lake County sources.

Specifically, EPA proposed to approve 326 IAC 6-3-1(c), 326 IAC 6.5-1-1, 326 IAC 6.5-1-2, 326 IAC 6.5-1-5, 326 IAC 6.5-1-6, 326 IAC 6.8-1-1, 326 IAC 6.8-1-2, 326 IAC 6.8-1-5, and 326 IAC 6.8-1-6. EPA also proposed to take no action on 326 IAC 6-3-1(b). Detail on each section including EPA's analysis is found in section III of the proposed rule.

II. What comments did we receive on the proposed SIP revison?

EPA received no comments during the public comment period.

EPA is proceeding with approving the sections and taking no

action on a section as proposed on April 16, 2014 (79 FR 21421).

III. What action is EPA taking?

EPA is approving revisions to PM rules Indiana submitted on April 27, 2012. Specifically, EPA is approving 326 IAC 6-3-1(c), 326 IAC 6.5-1-1, 326 IAC 6.5-1-2, 326 IAC 6.5-1-5, 326 IAC 6.5-1-6, 326 IAC 6.8-1-1, 326 IAC 6.8-1-2, 326 IAC 6.8-1-5, and 326 IAC 6.8-1-6 into the Indiana SIP. EPA is taking no action on 326 IAC 6-3-1(b).

IV. Statutory and Executive Order Reviews.

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

• Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the

 National Technology Transfer and Advancement Act of 1995

 (15 U.S.C. 272 note) because application of those

 requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or

environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION OF THIS DOCUMENT IN THE FEDERAL REGISTER]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control,

Incorporation by reference, Intergovernmental relations,

Particulate matter, Reporting and recordkeeping requirements.

Dated: May 30, 2014.

Susan Hedman, Regional Administrator, Region 5. 40 CFR part 52 is amended as follows:

PART 52-APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

- 2. In § 52.770 the table in paragraph (c) is amended by:
- i. Revising the entries for "Article 6. Particulate Rules".
- ii. Revising the entries for "Article 6.5. Particulate Matter Limitations Except Lake County".
- iii. Revising the entries for "Rule 1. General Provisions" under the subheading entitled "Article 6.8. Particulate Matter Limitations for Lake County".

The revised text reads as follows:

§ 52.770 Identification of plan.

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(C) * * *

EPA-Approved Indiana Regulations

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Indian	.a					Effective	EPA Approval	
Citatio	on	Subject		Date	Date	Notes		
* *	*	*	*	* *				
				Article	6. Part	ciculate Rul	es	
	Rule 2	. Parti	culate E	mission	Limitat	ions for Sou	rces of Indirect	Heating
6-2-1	Appl	icabilit	У			10/21/1983	5/17/1985, 50 FR	
							20569	
6-2-2	Emis	sion lir	nitation	s for		10/21/1983	5/17/1985, 50 FR	
	faci	lities s	specifie	d in 326	IAC 6-		20569	
	2-1(]	o)						
6-2-3	Emis	sion lir	nitation	s for		10/21/1983	5/17/1985, 50 FR	
	faci	lities s	specifie	d in 326	IAC 6-		20569	

	2-1(c)			
6-2-4	Emission limitations for	10/21/1983	5/17/1985, 50 FR	
	facilities specified in 326 IAC 6-	, ,	20569	
	2-1(d)			
	Rule 3. Particulate Emission Limit			
6-3-1	Applicability	6/12/2002	7/25/2005, 70 FR	Sec. 1.(a) and
			42495	(b)
		4/20/2012	[INSERT THE DATE	only Sec. 1.
			OF PUBLICATION	(c)
			IN THE FEDERAL	
			REGISTER],	
			[INSERT PAGE	
			NUMBER WHERE THE	
			DOCUMENT BEGINS]	
6-3-1.5	Definitions	6/12/2002	7/25/2005, 70 FR 42495	
6-3-2	Particulate emission limitations,	6/12/2002	7/25/2005, 70 FR	
	work practices, and control		42495	
	technologies			
	Rule 4. Fugitive			
6-4-1	Applicability of rule	11/16/1973	10/28/1975, 40	Approved as
			FR 50032	APC-20 Sec. 1.
				Definitions
6-4-2	Emission limitations	11/16/1973	10/28/1975, 40	Approved as
			FR 50032	APC-20 Sec. 2.
				Allowable
				Emissions
6-4-3	Multiple sources of fugitive dust	11/16/1973	10/28/1975, 40	Approved as
			FR 50032	APC-20 Sec. 3.
		, ,		Applicability
6-4-4	Motor vehicle fugitive dust	11/16/1973		Approved as
	sources		FR 50032	APC-20 Sec. 4.
				Mobile
				Fugitive Dust
6-4-5	Measurement processes	11 /16 /1072	10/28/1975, 40	Approved as
0-4-3	Measurement processes	11/10/19/3	FR 50032	APC-20 Sec. 5.
			FR 30032	Methods of
				Measurement
6-4-6	Exceptions	11/16/1973	10/28/1975, 40	Approved as
	211669616115	11/10/15/3	FR 50032	APC-20 Sec. 6.
6-4-7	Compliance date	11/16/1973		Approved as
/		,,	FR 50032	APC-20 Sec.
				3 (e)
Rule 7.	Particulate Matter Emission Limitat	ions for So	uthern Indiana Gas	
	Comp			-
6-7-1	Southern Indiana Gas and Electric	8/30/2008	11/10/2009, 74	
	Company (SIGECO)		FR 57904	
	Article 6.5. Particulate Matter Rule 1. Gener			ty
6.5-1-1	Applicability	4/20/2012	[INSERT THE DATE	
	TIPP TO CONTITUE	1,20,2012	OF PUBLICATION	
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			DOCUMENT BEGINS]	
6.5-1-1.5	Definitions	9/9/2005	3/22/2006, 71 FR	
			14383	
6.5-1-2	Particulate emission limitations;	4/20/2012	[INSERT THE DATE	
	modification by commissioner		OF PUBLICATION	
			IN THE FEDERAL	
			REGISTER],	
			[INSERT PAGE	
			NUMBER WHERE THE	
			DOCUMENT BEGINS]	
6.5-1-3	Nonattainment area particulate	9/9/2005	3/22/2006, 71 FR	
	limitations; compliance		14383	
	determination			
6.5-1-4	Compliance schedules	9/9/2005	3/22/2006, 71 FR	
	Journal Delication	2,2,2000	14383	
6.5-1-5	Control strategies	4/20/2012	[INSERT THE DATE	\dashv
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6.5-1-6	State implementation plan	4/20/2012	[INSERT THE DATE	
	revisions		OF PUBLICATION	
			IN THE FEDERAL	
			REGISTER],	
			[INSERT PAGE	
			NUMBER WHERE THE	
			DOCUMENT BEGINS]	
6.5-1-7	Scope; affected counties	9/9/2005	3/22/2006, 71 FR	
	- '		14383	
	Rule 2. Cla	ark County	1	\neg
6.5-2-1	General provisions	2/22/2008	4/30/2008, 73 FR	\rightarrow
		-,,,	23356	
6.5-2-4	ESSROC Cement Corporation	2/22/2008	4/30/2008, 73 FR	\dashv
5.5-2-4	Donoc cement corporación	2/22/2000	23356	
6 5 2 2	Vimball Office Bondon	2/22/2000		_
6.5-2-8	Kimball Office-Borden	2/22/2008	4/30/2008, 73 FR	
6.5.0.0	DO Garage and his	0/00/0000	23356	
6.5-2-9	PQ Corporation	2/22/2008	4/30/2008, 73 FR	
			23356	
	Rule 3. Dear			
6.5-3-1	General provisions	2/22/2008	4/30/2008, 73 FR	
			23356	
6.5-3-2	Anchor Glass Container Corporation	2/22/2008	4/30/2008, 73 FR	Ī
	_		23356	
6.5-3-3	Dearborn Ready Mix, LLC	2/22/2008	4/30/2008, 73 FR	
	<u> </u>		23356	
6.5-3-4	Indiana Michigan Power, Tanners	2/22/2008	4/30/2008, 73 FR	\dashv
	Creek Plant		23356	
6.5-3-5	Laughery Gravel	2/22/2008	4/30/2008, 73 FR	\dashv
0.5-5-5	Industrier & Graver	2/22/2000	23356	
C	David II. Daha Camparata Tara	2/22/2222		
6.5-3-7	Paul H. Rohe Company, Inc.	2/22/2008	4/30/2008, 73 FR	

			23356
6.5-3-8	Lawrenceburg Distillers Indiana,	2/22/2008	4/30/2008, 73 FR
	LLC		23356
	Rule 4. Dub	ois County	
6.5-4-1	General provisions	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-2	Kimball Office - Jasper 15th	2/22/2008	4/30/2008, 73 FR
	Street		23356
6.5-4-3	Jasper Seating Co., Inc., Plant	2/22/2008	4/30/2008, 73 FR
	No. 3		23356
6.5-4-4	DMI Furniture Plant No. 5	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-5	Dubois County Farm Bureau Co-op	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-6	Forest Products No. 1	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-9	Indiana Desk Company	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-10	Indiana Dimension, Indiana	2/22/2008	4/30/2008, 73 FR
	Furniture Industries		23356
6.5-4-11	Indiana Furniture Industries	2/22/2008	4/30/2008, 73 FR
	(Repealed)		23356
6.5-4-15	Jasper Chair Company, Inc.	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-16	Jasper Desk Company, Incorporated	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-17	Kimball Office - Jasper Cherry	2/22/2008	4/30/2008, 73 FR
	Street		23356
6.5-4-18	Jasper Municipal Electric Utility	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-19	JOFCO Inc. Plants 1 and 2	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-21	Jasper Seating	2/22/2008	4/30/2008, 73 FR
			23356
6.5-4-24	Styline Industries, Inc. Plant #8	2/22/2008	4/30/2008, 73 FR
			23356
	Rule 5. How		
6.5-5-1	General provisions	2/22/2008	4/30/2008, 73 FR
		, ,	23356
6.5-5-2	Chrysler, LLC-Kokomo Casting Plant	2/22/2008	4/30/2008, 73 FR
	and Kokomo Transmission Plant	, ,	23356
6.5-5-5	Delco Electronics Corporation	2/22/2008	4/30/2008, 73 FR
		2/22/22	23356
6.5-5-10	Kokomo Grain Company	2/22/2008	4/30/2008, 73 FR
		2 /2 5 / 5	23356
6.5-5-11	E & B Paving, Inc.	2/22/2008	4/30/2008, 73 FR
		2 /2 2 /	23356
6.5-5-16	Martin Marietta Materials, Inc.	2/22/2008	4/30/2008, 73 FR
			23356
	Rule 6. Mar		1. /2.2 /2.2.2. = 2. = 5.
6.5-6-1	General provisions	2/22/2008	4/30/2008, 73 FR
6.5.6.0	711/2 m ' '	0/00/000	23356
6.5-6-2	Allison Transmission	2/22/2008	4/30/2008, 73 FR

	T	-	22256
6.5-6-3	Danhalt Matariala Tra	2/22/2000	23356
6.5-6-3	Asphalt Materials, Inc.	2/22/2008	4/30/2008, 73 FR 23356
6.5-6-5	Bunge North America (East), Inc.	2/22/2008	4/30/2008, 73 FR 23356
6.5-6-15	Automotive Components Holdings, LLC-Indianapolis Plant	2/22/2008	4/30/2008, 73 FR 23356
6.5-6-18	Cargill, Inc.	2/22/2008	4/30/2008, 73 FR
0.5-6-16			23356
6.5-6-22	Indiana Veneers Corporation	2/22/2008	4/30/2008, 73 FR 23356
6.5-6-23	Citizens Thermal Energy C.C. Perry K		4/30/2008, 73 FR 23356
6.5-6- 23.1	Indianapolis Power and Light Company (IPL) Harding Street Station	2/22/2008	4/30/2008, 73 FR 23356
6.5-6-25	National Starch and Chemical Company	2/22/2008	4/30/2008, 73 FR 23356
6.5-6-26	International Truck and Engine	2/22/2008	4/30/2008, 73 FR
	Corporation & Indianapolis Casting Corporation		23356
6.5-6-28	Quemetco Inc. (RSR Corporation)	2/22/2008	4/30/2008, 73 FR 23356
6.5-6-31	Vertellus Agriculture & Nutrition Specialties LLC	2/22/2008	4/30/2008, 73 FR 23356
6.5-6-33	Rolls-Royce Corporation	2/22/2008	4/30/2008, 73 FR
			23356
6.5-6-34	St. Vincent's Hospital and Health Care Service	2/22/2008	4/30/2008, 73 FR 23356
6.5-6-35	Belmont Waste Water Sludge Incinerator	2/22/2008	4/30/2008, 73 FR 23356
	Rule 7. St. J	oseph Count	У
6.5-7-1	General provisions	2/22/2008	4/30/2008, 73 FR 23356
6.5-7-6	Bosch Braking Systems Corporation	2/22/2008	4/30/2008, 73 FR 23356
6.5-7-10	RACO-Hubbell Electric Products	2/22/2008	4/30/2008, 73 FR 23356
6.5-7-11	Reith Riley Construction Company, Inc.	2/22/2008	4/30/2008, 73 FR 23356
6.5-7-13	Holy Cross Services Corporation (Saint Mary's Campus)	2/22/2008	4/30/2008, 73 FR 23356
6.5-7-14	Accucast Technology, LLC	2/22/2008	4/30/2008, 73 FR 23356
6.5-7-16	University of Notre Dame du Lac	2/22/2008	4/30/2008, 73 FR 23356
6.5-7-18	Walsh & Kelly, Inc.	2/22/2008	4/30/2008, 73 FR 23356
	Rule 8. Vande	rburgh Count	
6.5-8-1	General provisions	2/22/2008	4/30/2008, 73 FR 23356
6.5-8-11	Nunn Milling Company, Inc.	2/22/2008	4/30/2008, 73 FR 23356
	· · · · · · · · · · · · · · · · · · ·		·

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6.5-8-12	Land O' Lakes Purina Feed LLC	2/22/2008	4/30/2008, 73 FR			
			23356			
6.5-8-13	Southern Indiana Gas and Electric	2/22/2008	4/30/2008, 73 FR			
	Company, Broadway Avenue		23356			
	Generating Station					
6.5-8-14	Whirlpool Corporation Highway 41	2/22/2008	4/30/2008, 73 FR			
	North		23356			
	Rule 9. Vi	go County				
6.5-9-1	General provisions	2/22/2008	4/30/2008, 73 FR			
	-		23356			
6.5-9-8	International Paper Company	2/22/2008	4/30/2008, 73 FR			
	Fr Fr 7	, , ,	23356			
6.5-9-10	S&G Excavating, Inc.	2/22/2008	4/30/2008, 73 FR			
0.3 3 10	bad maavading, me.	2,22,2000	23356			
6.5-9-11	Duke Energy Indiana, IncWabash	2/22/2008	4/30/2008, 73 FR			
0.5 5 11	River Generating Station	2/22/2000	23356			
6 E 0 12	Sisters of Providence	2/22/2008	4/30/2008, 73 FR			
0.5-9-13	Sisters of Providence	2/22/2000	23356			
6 5 0 15	Marrie Harris Granda	0/00/0000				
6.5-9-15	Terre Haute Grain	2/22/2008	4/30/2008, 73 FR			
		- / /	23356			
6.5-9-17	Ulrich Chemical, Inc.	2/22/2008	4/30/2008, 73 FR			
			23356			
	Rule 10. Wa					
6.5-10-1	General provisions	2/22/2008	4/30/2008, 73 FR			
			23356			
6.5-10-2	Barrett Paving Materials, Inc.	2/22/2008	4/30/2008, 73 FR			
			23356			
6.5-10-3	Belden Wire and Cable Company	2/22/2008	4/30/2008, 73 FR			
			23356			
6.5-10-5	Milestone Contractors LP	2/22/2008	4/30/2008, 73 FR			
	(Cambridge City)		23356			
6.5-10-6	Autocar LLC	2/22/2008	4/30/2008, 73 FR			
			23356			
6.5-10-9	Earlham College	2/22/2008	4/30/2008, 73 FR			
			23356			
6.5-10-11	Johns Manville International, Inc.	2/22/2008	4/30/2008, 73 FR			
		, , = = = =	23356			
6.5-10-12	Joseph H. Hill Co.	2/22/2008	4/30/2008, 73 FR			
	<u> </u>	, =,====	23356			
6.5-10-13	Land O' Lakes Purina Feed LLC	2/22/2008	4/30/2008, 73 FR			
10 13		_,,	23356			
6 5-10-14	Milestone Contractors Richmond	2/22/2008	4/30/2008, 73 FR			
0.5-10-14	FILLESCOILE COLICIACIOLS KICHMOHO	2/22/2008	23356			
C E 10 15	Dishmond Down C Timb White	2/22/2000				
0.5-10-15	Richmond Power & Light-Whitewater	2/22/2008	4/30/2008, 73 FR			
C F 10 15	Valley Generating Station	0/00/000	23356			
6.5-10-16	Richmond State Hospital	2/22/2008	4/30/2008, 73 FR			
			23356			
	Article 6.8. Particulate Matte		-			
Rule 1. General Provisions						
6.8-1-1	Applicability	4/20/2012	[INSERT THE DATE			
			OF PUBLICATION			
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			DOCUMENT BEGINS]	
6.8-1-1.5	Definitions	9/9/2005	3/22/2006, 71 FR	
			14383	
6.8-1-2	Particulate emission limitations;	4/20/2012	[INSERT THE DATE	
	modification by commissioner		OF PUBLICATION	
			IN THE FEDERAL	
			REGISTER],	
			[INSERT PAGE	
			NUMBER WHERE THE	
			DOCUMENT BEGINS]	
6.8-1-3	Compliance determination	9/9/2005	3/22/2006, 71 FR	
	_		14383	
6.8-1-4	Compliance schedules	9/9/2005	3/22/2006, 71 FR	
	_		14383	
6.8-1-5	Control strategies	4/20/2012	[INSERT THE DATE	
			OF PUBLICATION	
			IN THE FEDERAL	
			REGISTER],	
			[INSERT PAGE	
			NUMBER WHERE THE	
			DOCUMENT BEGINS]	
6.8-1-6	State implementation plan	4/20/2012	[INSERT THE DATE	
	revisions		OF PUBLICATION	
			IN THE FEDERAL	
			REGISTER],	
			[INSERT PAGE	
			NUMBER WHERE THE	
			DOCUMENT BEGINS	
6.8-1-7	Scope	2/22/2008	4/30/2008, 73 FR	\neg
		_,,,	23356	
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[FR Doc. 2014-14119 Filed 06/16/2014 at 8:45 am; Publication

Date: 06/17/2014]